

UNITED STATES BANKRUPTCY COURT DISTRICT
OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

GRIFFIN SIGN INC.,

Debtor.

Bankruptcy Case No. 15-29789-JNP

Chapter 7

Honorable Jerrold N. Poslusny, Jr.

IN RE:

GRIFFIN SIGN, INC.,

Plaintiff,

v.

NEW JERSEY TURNPIKE AUTHORITY,

Defendant.

Adversary No. 16-01265-JNP

Hearing Date: September 26, 2017

Pursuant to 28 U.S.C. § 1746, Scott J. Good, under penalty of perjury, states as follows:

1. I am an attorney-at-law of the State of New Jersey and attorney for Chapter 7 Trustee, Brian Thomas ("Trustee"). As such, I am fully familiar with the facts set forth herein. I submit this Certification in opposition to the Motion for Sanctions filed by Defendant, New Jersey Turnpike Authority ("Defendant").

2. On October 21, 2015 (the “Petition Date”), the debtor, Griffin Signs, Inc. (the “Debtor”) filed a voluntary petition for relief pursuant to Chapter 11 of title 11 of the United States Code, as amended (the “Bankruptcy Code”).

3. On April 14, 2016, the Debtor commenced this Adversary Proceeding against Defendant which, *inter alia*, sought to recover unpaid earning due and owing from Defendant pursuant to a certain Contract for “Safety Improvements at Traversable Medians Along the New Jersey Turnpike and Garden State Parkway Pearl Harbor Memorial Turnpike Extension Milepost P0.91 to P5.50 Garden State Parkway NJ Milepost 6.54 to 168.36. The total amount of the Contract was \$2,672,135.00.

4. Upon information and belief, on or about December 2, 2016, Defendant served a Revised Set of Interrogatories on the Debtor.

5. Defendant alleges the Debtor failed to produce answers to its Revised Set of Interrogatories.

6. As a result of the alleged default, on or about June 20, 2017, Defendant filed a motion to compel.

7. On August 15, 2017, the Court entered an Order granting Defendant’s Motion to Compel, which directed the Debtor to provide answers to Defendant’s Revised Set of Interrogatories within ten (10) days of the date of the Order.

8. On June 13, 2017, the Court entered an Order converting the Debtor’s case from a case under Chapter 11 of the Bankruptcy Code to one under Chapter 7.

9. Since his appointment, the Trustee has been working diligently to resolve issues of the benefit of creditors, including the prosecution of this Adversary Proceeding.

10. Representatives of the Debtor have been partially cooperative in this matter, working

with the Trustee to provide information and documentation. However, counsel for the Trustee has made numerous unsuccessful attempts to schedule a meeting with the Debtor's representatives to secure accurate responses to Defendant's discovery requests.

11. In this regard, the Trustee will be serving a Rule 2004 Subpoena on each of the Debtor's representatives as a further effort to obtain responses to the outstanding discovery requests together with information relating to other outstanding contractual payments due to the Debtor.

12. The Trustee has also been actively negotiating with the Debtor's lender for an agreement on a carve out for the benefit of unsecured creditors.

13. Simply put, the Trustee requires more time to secure responses from the Debtor's representatives and to negotiate the carve out.

14. Based upon the foregoing, the Trustee respectfully requests the Court enter an Order denying Defendant's Motion for Sanctions, and grant the Trustee additional time to provide answers to Defendant's discovery requests.

Pursuant to 28 U.S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of September, 2017.

SUBRANNI ZAUBER, LLC
Attorneys for Chapter 7 Trustee, Brian Thomas

Dated: September 19, 2017

By: /s/ Scott J. Good
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